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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

DAVID GILBERT SAFFRON
a/k/a DAVID GILBERT and
CIRCLE SOCIETY, CORP.,

Defendants.

Case No. 2:19-cv-1697-JAD-DJA

**PLAINTIFF'S MOTION FOR
CLARIFICATION OF MINUTE ORDER
DATED DECEMBER 10, 2019
(ECF NO. 34)**

Plaintiff Commodity Futures Trading Commission ("CFTC") respectfully moves the Court for clarification of the December 10, 2019 Minute Order (ECF No. 34) directing the Clerk of the Court to add the last-known address of Defendant Circle Society, Corp. ("Circle Society") — as provided by Circle Society's counsel in their Notice of Completion of Service (ECF No. 32) — to the docket. Specifically, the CFTC requests clarification as to whether the Court intended for the same addresses to be used for Defendant David Gilbert Saffron ("Saffron"), thereby permitting service on Saffron at the same mailing and email address (davidsaffron@live.com) as provided in the December 10, 2019 Minute Order (ECF No. 34). The CFTC seeks clarification of the Minute Order for purposes of future court filings and service of process.

ARGUMENT

On December 10, 2019, counsel for Circle Society filed a Notice of Completion of Service (ECF No. 32) confirming that counsel served Circle Society with certain documents as ordered by the Court in the December 2, 2019 Order (ECF No. 29) and at the December 2, 2019 hearing (ECF No. 30).¹ In its Notice of Completion of Service, counsel provided the “most recent addresses utilized by the undersigned counsel to communicate with the representatives of Circle Society, Corp.” as follows:

Circle Society, Corp.
c/o David Saffron or Marc Jenson
2450 St. Rose Parkway, Suite 120
Henderson, NV 89074
Mjenson1960@gmail.com
davidsaffron@live.com

(ECF No. 32).

In light of the Notice of Compliance, the Court ordered that the “Clerk of the Court shall add the last known address of Circle Society Corp. to the docket as follows: Circle Society Corp. c/o David Saffron or Marc Jenson, 2450 St. Rose Parkway, Suite 120, Henderson, NV 89074, mjenson1960@gmail.com and davidsaffron@live.com” (ECF No. 34).

For consistency purposes, the CFTC views the December 10, 2019 Minute Order as also applying to Saffron, the sole corporate officer of Circle Society, so that Saffron’s last-known mailing address is also 2450 St. Rose Parkway, Suite 120, Henderson, NV 89074, and last-

¹ The Notice of Completion of Service stated that counsel served the following documents on Circle Society: (1) Order Granting Defense Counsel Shumway Van’s Motion to Withdraw as Counsel for Circle Society (ECF No. 29); (2) Order Granting the CFTC’s Motion for a Preliminary Injunction (ECF No. 31); and (3) a Cover Letter explaining the withdrawal and the December 23, 2019 deadline to advise the Court whether Circle Society has retained new counsel, explaining that the Court granted the CFTC’s Motion for a Preliminary Injunction at the December 2, 2019 hearing, and advising that the Court continued the hearing on the CFTC’s Motion for an Order to Show Cause to January 10, 2020, at 10:00 a.m. (ECF No. 32).

known email address is davidsaffron@live.com.² Accordingly, the CFTC submits that the Court's December 10, 2019 Minute Order should be clarified so that Defendant Saffron's last-known mailing³ and email address are added to the docket as follows:

David Saffron
2450 St. Rose Parkway, Suite 120
Henderson, NV 89074
davidsaffron@live.com

CONCLUSION

For the reasons stated above, the CFTC respectfully requests that the Court grant the CFTC's motion for clarification and enter a clarification of the December 10, 2019 Minute Order to the effect that the last-known mailing and email address of Defendant David Saffron is 2450 St. Rose Parkway, Suite 120, Henderson, NV 89074, davidsaffron@live.com, for purposes of service of process.

Dated: December 11, 2019

Respectfully submitted,

By: /s/ Danielle E. Karst
Danielle E. Karst
Timothy J. Mulreany
**COMMODITY FUTURES TRADING
COMMISSION**
Three Lafayette Centre
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² See Nevada Secretary of State Records for Circle Society, Corp. (ECF No. 5-2 at pp. 13-14) (listing David Saffron as sole director and corporate officer at address of 2450 St. Rose Pkwy Ste 120, Henderson, NV 89074).

³ Although the CFTC has served filings and court documents upon Saffron at a residential address in Las Vegas, Nevada, at least some of those service documents have been refused by the receivers at that address. Based on these refusals and defense counsel's representations in the Notice of Completion of Service (ECF No. 32), the CFTC would like to serve future filings and court documents on Saffron at the Henderson, Nevada mailing address and email address of davidsaffron@live.com.

CERTIFICATE OF SERVICE

I certify that on December 11, 2019, I filed a copy of the foregoing *Plaintiff's Motion for Clarification of Minute Order dated December 10, 2019 (ECF No. 34)* with the Clerk of the Court using the CM/ECF system. I also certify that on December 11, 2019, I sent hard copies of the same to Defendants David Gilbert Saffron and Circle Society, Corp. via First-Class U.S. Postal Service mail and email at the following addresses:

David Gilbert Saffron

██████████
Las Vegas, Nevada ██████████
(Last-Known Address known by CFTC)

2450 St. Rose Parkway, Suite 120
Henderson, NV 89074
davidsaffron@live.com
(Last-Known Addresses as provided by defense counsel, ECF No. 32)

Circle Society, Corp.

c/o David Saffron or Marc Jenson
2450 St. Rose Parkway, Suite 120
Henderson, NV 89074
Mjenson1960@gmail.com
davidsaffron@live.com
(Last-Known Addresses as provided by defense counsel, ECF No. 32)

/s/Danielle Karst

Danielle Karst